

CHAPTER 193

An act to amend Sections 1 and 2 of, and to add Sections 5, 6, 7, 7.5, 8, 9, 10, 11, 12, 13, and 14 to, Chapter 78 of the Statutes of 1925, relating to tidelands and submerged lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with
Secretary of State July 5, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 78 of the Statutes of 1925 is amended to read:

Section 1. There is hereby granted and conveyed to the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, all the right, title and interests of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands (whether filled or

unfilled), situated in and upon that portion of the Pacific Ocean known as Santa Barbara Channel in said county and lying between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation of the west boundary line of the City of Santa Barbara into the Pacific Ocean and the prolongation of the east boundary line of the said City of Santa Barbara into the said Pacific Ocean; to be forever held by said City of Santa Barbara in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants, and facilities.

(3) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to, approach takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities,

structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities, with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(7) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, and prevention of pollution of the granted lands.

(8) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(9) For the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program for the granted tidelands and submerged lands which is consistent with the terms and conditions set forth in this act.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) The harbor shall be improved by the city without expense to the state, and it shall always remain a public harbor for all purposes of commerce, and navigation, and the state shall have at all times the right to use without charge all wharves, docks, piers, slips, quays, and other improvements constructed on the lands or any part thereof for any vessel or other watercraft or railroad, owned and operated by the state.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the

city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Santa Barbara County.

(f) The city shall cause to be made and filed with the State Lands Commission, annually, a copy of the certified annual audit of the city tidelands trust fund describing all rents, revenues, issues, income, and expenditures in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 2. Section 2 of Chapter 78 of the Statutes of 1925 is amended to read:

Sec. 2. All of the following described property, to wit: All reclaimed or filled lands or lands formed by accretions due to artificial obstructions lying within the City of Santa Barbara and seaward of the mean high tide line of the Pacific Ocean, as the same existed on April 16, 1925, and bounded on the seaward side by the mean high tide line of the Pacific Ocean now existing and extending easterly from Santa Barbara Point to a point on the easterly city limits line where said line intersects the mean high tide line of the Pacific Ocean; which was formerly tidelands and submerged lands, is hereby declared to have ceased to be tidelands, and submerged lands, and to be free from all trusts and restrictions imposed on said lands under and by any of the provisions of this act except that said city or its successors, shall not at any time grant, convey, give or alien said lands or any part thereof, to any individual, firm, or corporation for any purpose whatsoever; provided, however, that the City of Santa Barbara, or its successors, may use, lease, rent, or otherwise let said lands, in parcels not to exceed 10 acres to any one person, firm or corporation and for limited periods not to exceed 66 years, with the right of the city to renew the same for any and all purposes which shall not interfere with the use of the tidelands of the Santa Barbara Channel lying seaward of said lands. If, during such lease, rental or other holding, such holding shall interfere with the use of any of the tidelands of Santa Barbara Channel lying seaward of said property

for navigation, commerce and fisheries, or in any manner become inconsistent with the trusts under which said tidelands are held by said city, the city shall have the right to terminate such holding and compensate such holder for the loss incurred, not exceeding an amount to be agreed upon by the terms of the lease or other holding.

There is hereby granted and conveyed to the City of Santa Barbara, a municipal corporation, and to its successors, all right, title and interest of the State of California in and to the reclaimed or filled lands or lands formed by accretions due to artificial obstructions hereinbefore in this section described, subject only to the restrictions and conditions contained in this section; except that, notwithstanding anything contained in this act, the City of Santa Barbara is hereby authorized, notwithstanding any law to the contrary, to lease to the State of California for a period of not to exceed 99 years, or to convey to the State of California, that part of said reclaimed or filled lands or lands formed by accretions, to wit: Commencing at the most southerly end of the 14th course, as given in a description of that certain real property described in a deed to Thos. B. Dibblee dated December 16, 1876, and recorded in Book "R" at page 98 of Deeds of Santa Barbara County records; thence S. 57° 19' 20" E. 406.18 feet to the point of intersection of a curve to the left having a radius of 170.00 feet, a delta of 56° 25', the long chord of which bears S. 85° 31' 50" E. 160.71 feet, said curve being the first course as described in Parcel 5 in a deed from the State of California to the City of Santa Barbara, dated August 15, 1934, and recorded in Book 314 of the official records at page 460 of Santa Barbara County records; thence N. 66° 15' 40" E. along the semitangent of said curve 91.18 feet to the end thereof; thence N. 58° 21' 34" E. 67.80 feet to the true point of beginning; said point of beginning being a point on the line of ordinary high water mark of the Pacific Ocean as given in a deed to Thos. B. Dibblee dated December 16, 1876, herein first above mentioned; thence S. 20° 39' 20" E. 355.00 feet to a point; thence N. 69° 20' 40" E. 735.00 feet to a point; thence N. 20° 39' 20" W. 355.00 feet more or less to a point on the line of ordinary high water mark of the Pacific Ocean as described in the deed of Dibblee herein first above mentioned; thence southerly and westerly along said line of high water mark of the Pacific Ocean to the true point of beginning containing 5.99 acres more or less; upon the condition that the said property shall be improved by the erection and construction thereon of an athletic field and stadium for Santa Barbara State College, costing not less than thirty thousand dollars (\$30,000), within three years after the date of such lease or conveyance. In the event the lands described in this paragraph are leased to the State of California as herein provided, the lease shall provide that the lands may be conveyed to the state during the term of said lease and upon such conveyance the lease shall terminate and be of no further force and effect. Whenever said lands shall be conveyed to the State of California, the conveyance may provide for the forfeiture of title to said lands to said city in the event said condition is not complied with

and also in the event that the use of said property as an athletic field for such state college shall ever be discontinued by the state, for a period as long as one year.

SEC. 3. Section 5 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 5. The city shall establish a separate tidelands trust fund or funds on or before December 31, 1976, and the city shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands in the city. A statement of financial condition and operation shall be submitted by the city to the State Lands Commission on or before September 30, 1980, for the three-year period commencing on July 1, 1977, and ending on June 30, 1980, and on or before September 30 of every succeeding third year after September 30, 1980.

SEC. 4. Section 6 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 6. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants, and facilities.

(c) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to approach takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting

places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities, with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, and prevention of pollution of the granted lands.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of the granted lands or to encourage private investment in development of the granted lands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 5. Section 7 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 7. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 6. Section 7.5 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 7.5. As to the expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars (\$250,000) in the aggregate, the

city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit and is not authorized by the provisions of Section 6 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 7. Section 8 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 8. On September 30th of each year, beginning in 1980 or in the year following the filing of the "Master Map of Granted Tideland Boundaries in California" and the "Description of Granted Tideland Boundaries" as required by subdivision (a) of Section 6367.7 of the Public Resources Code, whichever comes later, that portion of revenues in excess of five hundred thousand dollars (\$500,000), as adjusted for changes in the cost of living on September 30th of each year, remaining after current and accrued operating costs and expenditures related to the operation or the maintenance of beaches, harbors, and other tidelands trust activities have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bonds issues, the moneys from which have been or will be, used for purposes authorized by law, shall not be deemed excess revenue. Said cost-of-living adjustment shall be made on the basis of the United States Retail Consumer Price Index (All U.S./All Items) or any index or indices which is created to succeed said index. The base point for such adjustment shall be September 30, 1974. Capital improvements of the granted lands for purposes and uses authorized by the terms of this act may be considered as expenditures for the purpose of determining net revenues. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the State Tidelands Trust Fund in the State Treasury, and 15 percent to the city, to be deposited in the city's tidelands trust fund and used for any purpose authorized by this act.

SEC. 8. Section 9 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 9. The State Lands Commission, at the request of the city, shall grant an extension of time, not to exceed 90 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 9. Section 10 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 10. In the event that the city fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 10. Section 11 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 11. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 11. Section 12 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 12. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 12. Section 13 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 13. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or conditions reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 13. Section 14 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 14. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the superior court in the County of Santa Barbara to compel compliance with the terms and conditions of the grant and any other

provision of law including, but not limited to, this act.

SEC. 14. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of the city for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is intended that Stearn's Wharf, a wharf located on certain of the tide and submerged lands granted to the City of Santa Barbara, be rehabilitated and redeveloped so that the general public may be better served. In order to accomplish such rehabilitation and redevelopment, it will be necessary for the city to grant a franchise or to enter into a lease for a term longer than the 25-year limitation presently contained in the tide and submerged lands grant. It is essential that such a franchise or lease be executed as soon as possible so that the rehabilitation and redevelopment of the wharf can proceed and revenue can be generated for the benefit of the city. Thus, it is necessary that this act take immediate effect.
